

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**DALE SPENCER,**

**Petitioner,**

**v.**

**EDWIN VOORHIES, JR., Warden,**

**Respondent.**

**CASE NO. 2:05-cv-1111**

**JUDGE SMITH**

**MAGISTRATE JUDGE KEMP**

**OPINION AND ORDER**

On September 6, 2006, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 be dismissed. Although the parties were specifically informed of their right to object to the *Report and Recommendation*, and of the consequences of their failure to do so, there has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED AND AFFIRMED**. This case is **DISMISSED**.

/s/ George C. Smith

GEORGE C. SMITH

United States District Judge